

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (Philadelphia)**

In re:

Gail Marie Chase
fka Gail Marie Kehan

Wells Fargo Bank, N.A.

vs

Gail Marie Chase
fka Gail Marie Kehan

William C. Miller

Debtor

: Case No.: 14-13564-elf

: Chapter 13

: Judge Eric L. Frank

: * * * * *

Movant,

: Date and Time of Hearing

: Place of Hearing

: October 17, 2017 at 09:30 a.m.

: _____

Respondents.

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT WELLS
FARGO BANK, N.A. TO FORECLOSE ON 3535 CHIPPENDALE ST,
PHILADELPHIA, PA 19136 (FIRST MORTGAGE)**

Wells Fargo Bank, N.A. (the "Creditor") moves this Court, under Bankruptcy Code §§ 362 and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
 2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
 3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Gail Marie Chase fka Gail Marie Kehan ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on May 2, 2014, ("Petition").

5. Debtor is currently obligated to Wells Fargo Bank, N.A., under the terms of a certain Note, dated September 16, 2003, in the original principal amount of \$79,963.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain Mortgage, dated of even date and of even amount, currently in favor of Wells Fargo Bank, N.A., with respect to certain real property owned by the Debtor located at 3535 Chippendale St, Philadelphia, PA 19136 (hereinafter "Mortgaged Premises") and being recorded in Philadelphia County Recordings Office at Instrument Number 50768111 on September 24, 2003 in the Office of the Recorder of Deeds in and for Philadelphia County, Pennsylvania ("Mortgage").

7. The loan was modified as set forth in the Loan Modification Agreement attached as Exhibit A.

8. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

9. Debtor has failed to make post-petition mortgage payments for the past 3 months, as of September 20, 2017.

10. The total unpaid principal balance and the amount past due to Wells Fargo Bank, N.A. in post-petition arrearages are \$56,401.76 and \$1,693.55, respectively, as of September 20, 2017.

11. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Wells Fargo Bank, N.A. in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Wells Fargo Bank, N.A. respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Wells Fargo Bank, N.A. in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)
Kimberly A. Bonner (89705)
Adam B. Hall (0088234)
Sarah E. Barngrover (28840-64)
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Attorneys for Creditor
The case attorney for this file is Karina
Velter.
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: Case No.: 14-13564-elf
: Chapter 13
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Debtor

Wells Fargo Bank, N.A.

:
: Date and Time of Hearing
: Place of Hearing
: October 17, 2017 at 09:30 a.m.

vs

**Gail Marie Chase
fka Gail Marie Kehan**

:
: U.S. Bankruptcy Court
: 900 Market Street
: Philadelphia, PA, 19107

William C. Miller

Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Wells Fargo Bank, N.A. to foreclose on 3535 Chippendale St, Philadelphia, PA 19136 (First Mortgage) was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, 1234 Market Street, Suite 1813, Philadelphia, PA 19107

Brad J. Sadek, Attorney for Gail Marie Chase fka Gail Marie Kehan, Sadek and Cooper, 1315 Walnut Street, suite 502 Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on September 27, 2017:

Gail Marie Chase fka Gail Marie Kehan, 3535 Chippendale Street, Philadelphia, PA 19136

Gail Marie Chase fka Gail Marie Kehan, 3535 Chippendale St, Philadelphia, PA 19136

DATE: 9/27/17

/s/ Karina Velter

Karina Velter, Esquire (94781)
Kimberly A. Bonner (89705)
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The case attorney for this file is Karina
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